

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

J. CAROL STUECKER)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 96-615
)	
BELLSOUTH TELECOMMUNICATIONS,)	
INC.)	
)	
DEFENDANT)	

O R D E R

On December 17, 1996, J. Carol Stuecker ("Complainant") filed with the Commission a formal Complaint alleging that BellSouth Telecommunications, Inc. ("BellSouth") has unfairly and unjustly refused to provide Stuecker & Associates, Inc. ("Stuecker & Associates") with free per-line blocking. Complainant states that Stuecker & Associates is a "for profit" employee assistance firm that provides "crisis interventions, domestic violence interventions, work site violence interventions, counseling with employees who are abused, addicted to alcohol, cocaine or other drugs, and at times with persons who are involved in criminal activities."

Complainant contends that the services provided by Stuecker & Associates, Inc. are "comparable to those provided by non-profit and/or by public social welfare agencies such as domestic violence agencies." Consequently, the employees and volunteers of Stuecker & Associates, Inc., Complainant argues, are entitled to "the same protection afforded to those employees and volunteers of non-profit and public agencies."

Complainant seeks a revision of BellSouth's tariff that will expand the availability of the per-line blocking option to include "for profit" as well as "non profit" entities.

On January 17, 1997, BellSouth filed a motion seeking a 30-day extension of time to respond to the Complaint. In support of its motion, which was granted, BellSouth stated that it was "undertaking to make a good faith evaluation of Complainant's request."

On February 20, 1997, BellSouth filed with the Commission its Answer to the Complaint, which states, inter alia, that "[a] review of the history of the agreement which was reached in Kentucky persuades BellSouth that the restrictions in the tariff should not be revised." BellSouth, seeking dismissal of the Complaint, contends that the availability of per-line blocking should not be expanded because the universal availability of per-call blocking, coupled with the limited availability of per-line blocking, and other available options provide sufficient privacy protection for customers needing such protection.

BellSouth correctly states that the parameters for the availability of per-call and per-line blocking were established as a result of a settlement agreement that was approved by the Commission in Case No. 91-218.¹ In its December 4, 1991 Order in that case, the Commission found that the offering of Caller ID services with the offering of free per-call blocking alone was not enough to address the legitimate privacy concerns that had been raised.²

¹ Case No. 91-218, The Tariff Filing of South Central Bell Telephone Company to Introduce Caller ID.

² Id. Order dated December 4, 1991 at 5.

However, on rehearing in that proceeding, the Commission found no evidence of record to support a finding that free per-line blocking should be made available to any customer other than law enforcement agencies and shelters of domestic intervention. Consequently, the Commission approved the parties' Settlement Agreement, which had been filed on rehearing. The agreement states, in pertinent part, that "[BellSouth] and [GTE South Incorporated] agree to provide upon request free per-line blocking to legitimate law enforcement agencies and established shelters of domestic intervention agencies as provided in relevant local exchange carrier tariffs."

Subsequently, BellSouth and GTE South, filed tariffs reflecting conditions of service for Caller ID. GTE South's General Customer Services Tariff S13.4.4 states, in pertinent part, that per-line blocking is available at no charge to "established shelters of domestic violence intervention agencies." BellSouth's General Subscriber Services Tariff A13.19.3A.8 states, in pertinent part, that per-line blocking is available at no charge to "[n]on-profit, tax exempt, private and public social welfare agencies such as domestic violence intervention agencies." Regarding the availability of free per-line blocking for domestic violence agencies, the language in BellSouth's tariff and the language in GTE South's tariff do not appear to be uniform.

As stated in its July 11, 1991 Order in Case No. 91-218, the Commission desires a uniform policy for the provision of Caller ID in this Commonwealth. Having reviewed BellSouth's Answer and being otherwise sufficiently advised, the Commission finds that BellSouth should file with the Commission the supporting documentation for its position that its tariff should not be altered to include "for profit" domestic violence agencies. The

Commission further finds that BellSouth's motion to dismiss should be held in abeyance pending the filing and review of said documentation. Finally, the Commission finds that Complainant should file with the Commission her response to BellSouth's Answer.


IT IS THEREFORE ORDERED that:

1. BellSouth's motion to dismiss is hereby held in abeyance.
2. Within 10 days of the date of this Order, BellSouth shall file with the Commission the original and six (6) copies of the following information:
 - a. A copy of the document or documents containing the specific language on which BellSouth relies to support its position that "[a] review of the history of the agreement which was reached in Kentucky persuades BellSouth that the restrictions in the tariff should not be revised."
 - b. Explain how the difference in the provision of free per-line blocking by BellSouth and GTE South to domestic violence agencies complies with the Commission's desire for a uniform policy for the provision of Caller ID services.
3. Within 20 days of the date of this Order, Complainant shall file her response to BellSouth's Answer and BellSouth's additional information required herein.
4. At the expiration of the 20-day period, this matter shall be submitted to the Commission for a final decision based upon the record as it stands on that date.

Done at Frankfort, Kentucky, this 30th day of June, 1997.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Director


For the Commission